UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

| EVA L. ALBERGER, Plaintiff, |) |
|---|---|
| v. |) No. 3:07-CV-293 (Phillips/Guyton) |
| MICHAEL J. ASTRUE, |) |
| COMMISSIONER OF SOCIAL SECURITY, Defendant. |) |

ORDER

For the reasons stated in the memorandum opinion filed contemporaneously with this order, the objections to the report and recommendation of the magistrate judge filed by plaintiff [Doc. 19] are hereby **OVERRULED.** The report and recommendation [Doc. 18] is **ACCEPTED IN WHOLE** under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for summary judgment [Doc. 14] is **DENIED**; the defendant Commissioner's motion for summary judgment [Doc. 16] is **GRANTED**; the defendant Commissioner's decision in this case denying plaintiff's application for benefits under the Social Security Act is **AFFIRMED**; and this case is **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas W. Phillips
United States District Judge